

THE SOUTH DAKOTA STATE BOARD OF MEDICAL AND OSTEOPATHIC
EXAMINERS

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IN THE MATTER OF THE SOUTH DAKOTA * STIPULATION ON
STATE BOARD OF MEDICAL AND * AGREED DISPOSITION
OSTEOPATHIC EXAMINERS LICENSE #4669 * AND ORDER OF
ISSUED TO STEVEN SCHWARTZ, M.D. * PROBATION
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This Stipulation, made and entered into by the South
Dakota State Board of Medical and Osteopathic Examiners,
hereinafter referred to as Board, by and through its duly
appointed Investigative Committee consisting of Robert
Ferrell, M.D., L. Paul Jensen and Charvin Dixon, and
licensee Steven Schwartz, M.D., WITNESSETH:

WHEREAS, the above named Steven Schwartz, M.D., is the
holder of license #4669 issued by the South Dakota State
Board of Medical and Osteopathic Examiners, and

WHEREAS, Steven Schwartz, M.D., has informally met
with the above committee pursuant to SDCL 1-26-29, in order
to permit him an opportunity to show compliance with all
lawful requirements for retention of his license, and

WHEREAS, the Board is permitted pursuant to SDCL 1-26-
20 to informally settle contested cases of this nature;

NOW, THEREFORE, based upon the foregoing, the parties
stipulate and agree as follows:

1. That Steven Schwartz, M.D., waives any and all rights,
administrative and judicial, that he may enjoy pursuant
to SDCL 1-26 or SDCL 36-4.

2. That license #4669 issued to Steven Schwartz, M.D., shall be placed on probation during a period to allow Steven Schwartz, M.D. to accomplish the following remedial education, training, board certification, and other requirements, and that during the term of this Agreement, Steven Schwartz, M.D. shall abide by and comply with all of the following terms and conditions:
- A. Steven Schwartz, M.D. shall comply with all laws applicable and relating to the practice of medicine as set forth in SDCL 36-4 as well as all rules and regulations pertaining to such practice in South Dakota.
 - B. Steven Schwartz, M.D., shall complete advanced clinical training in neurosurgery through a one (1) year fellowship program approved by the Board, and at least three (3) months of advanced clinical training in neuroradiology in a program approved by the Board. Steven Schwartz, M.D. shall provide the Board with written verification of successful completion of the above fellowship program and neuroradiology training program from the directors of those programs. Steven Schwartz, M.D. also may complete a one (1) year advanced clinical neurosurgery fellowship at Drexel MCP/Hahnemann University. If Steven Schwartz, M.D., is required to obtain a license to practice

medicine in another state to complete any of the above training, the Board will provide information to such state board consistent with this agreement, and otherwise will act reasonably and in good faith to facilitate his licensure as necessary to allow him to receive the advanced training contemplated by this agreement.

- C. Steven Schwartz, M.D., shall become board certified by the American Board of Neurological Surgery within five (5) years of completing the fellowship training set forth above.
- D. Until he has successfully completed the neuroradiology program and the board-approved fellowship, Steven Schwartz, M.D. shall not independently practice medicine, and may only practice medicine as required to fulfill the requirements of the above described neuroradiology program and fellowships.
- E. Steven Schwartz, M.D., agrees that for a period of five (5) years following satisfactory completion of the neuroradiology program and fellowships, he will only engage in the practice of neurosurgery through a neurosurgical group practice, not as a sole practitioner, and he will provide all such information as the Board

may require to monitor compliance with this provision and any other terms of this agreement.

- F. Upon satisfactory completion of the above described fellowships and neuroradiology training, the Board shall return license #4669 issued to Steven Schwartz, M.D., to its unrestricted status. However, the terms of this agreement will remain in effect until completion of all terms of this agreement.
3. By executing this agreement, Dr. Schwartz hereby releases and indemnifies the Board and its agents, employees, and attorneys from any claim, cause of action or lawsuit which Dr. Schwartz may have had with regard to these licensure proceedings.
 4. In the event of any question or dispute under this Agreement, the parties agree that the terms of this Agreement shall not be construed against the drafter but shall be construed as though all parties were the drafter.
 5. The parties agree to execute all documents necessary to effectuate the terms of this Agreement.
 6. This Agreement embodies the entire agreement of the parties and supersedes all previous communications, representations, or agreements, either verbal or written, between the parties.

7. This Agreement may be modified only by a written agreement, executed with same formalities as this instrument.
8. In the event that Steven Schwartz, M.D. during the term of this agreed disposition, violates or fails to complete the provisions set forth in this Agreement, the Board may summarily revoke license #4669 issued to Steven Schwartz, M.D., without necessity of a hearing.
9. In the event that Steven Schwartz, M.D. leaves South Dakota to reside or practice outside the state, Steven Schwartz, M.D., shall notify the South Dakota State Board of Medical and Osteopathic Examiners of all changes of address, as well as the dates of departure and return, which information the Board will hold in confidence to the extent is allowed to do so by law.
10. This Agreement for the disposition of the above entitled contested case is a matter of public record and the obligations of the Board with respect thereto shall be governed by the laws of South Dakota and current Board policy.
 - a. The Board will report this action to the National Practitioner Data Bank, the Healthcare Integrity and Protection Data Bank, and the Federation of State Medical Boards as follows:
 1. Adverse Action Classification Code 1125 (Probation of License).
 2. Basis for Action Code 12 (Malpractice).

3. The Board will report to the Federation of State Medical Boards that license #4669 issued to Steven Schwartz, M.D., has been placed on probation due to malpractice.

11. Steven Schwartz, M.D. understands that he has the right and has been afforded the opportunity to have this Agreement reviewed by his attorneys, and that in the event he chooses to execute this document without taking the opportunity to avail himself of this right such failure shall be deemed to be a waiver of such right.
12. Steven Schwartz, M.D., specifically waives any claim that any disclosures made to the full membership of the Board for the purposes of the consideration of this Agreement have prejudiced his rights to a fair and impartial hearing in the event this Agreement is not accepted by the full Board and if further proceedings ensue.
13. Steven Schwartz, M.D., further agrees that there have been no inducements, threats or promises made in order to obtain his entry into this Agreement.
14. The parties further agree that all statements contained herein are based upon the facts known to the Board on the date of execution of this Agreement and that these known facts shall not be used as a basis to support any further action by the Board concerning license #4669

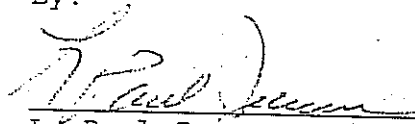
issued to Steven Schwartz, M. D. except as described herein.

THEREFORE IT IS ORDERED that license #4669 issued to Steven Schwartz, M.D., is hereby placed on probation pursuant to the terms of this agreement.

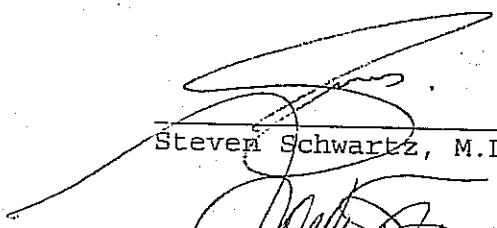
Dated this 17th day of December, 2003.

The South Dakota State Board of
Medical and Osteopathic
Examiners

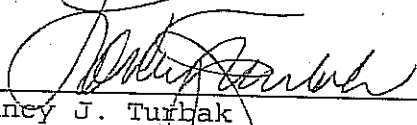
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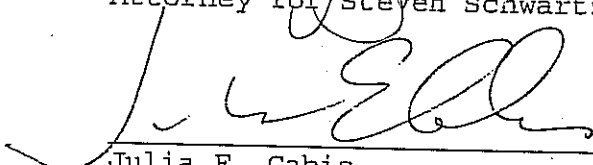
L. Paul Jensen
Executive Secretary



Steven Schwartz, M.D.



Nancy J. Turbak
Attorney for Steven Schwartz, M.D.



Julia E. Gabis
Attorney for Steven Schwartz, M.D.